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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,313	03/24/2004	Shinichi Kurihara	04329.3293	3804
22852	7590	03/27/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2131	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,313

Applicant(s)

KURIHARA ET AL.

Examiner

KAVEH ABRISHAMKAR

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 3/24/04, 8/03/04, 11/17/05, and 7/07/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communication filed on March 24, 2004. Claims 1-17 were originally received for consideration. No preliminary amendments for the claims were received.
2. Claims 1-17 are currently pending consideration.

Information Disclosure Statement

3. Initialed and dated copies of Applicant's IDS form 1449, received 3/24/04, 8/03/04, 11/17/05, and 7/07/06, are attached to this Office action.

Claim Objections

Claim 2 is objected to because of the following informalities: There is an extra "t" present in the first line of the first limitation in claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kravitz et al. (U.S. Patent 6,738,905) in view of Katznelson (U.S. Patent 5,010,571).

Regarding claim 1, Kravitz discloses:

A content delivery service providing apparatus which provides content delivery service via a communication line to a user-side terminal unit capable of recording content into an information storage medium into which at least a medium unique identifier and medium information on medium key information have been written, or into a different information storage medium from the information storage medium with the information storage medium being set, the content delivery service providing apparatus comprising:

a user management control unit which preregisters user information including personal information about a user applying for subscription to the delivery service, service range, and payment method, and manages the distribution of authentication information and the distribution of a delivery content list at the time of providing service on a user basis, the acceptance of a content select request, charging, and settlement (column 9, lines 40-50, *wherein the provider keeps track of an individual user's subscription*);

an encrypted content control unit which acquires not only content but also a content key creation condition from a copyright owner or copyright manager of the content who provides the delivery service, and creates a content key on the basis of the

content key creation condition and encrypted content on the basis of the content key (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*);

an encrypted content key control unit which accumulates the content keys created at the encrypted content control unit (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*), encrypts the content key corresponding to the requested content, and issues the encrypted content key to the terminal unit of the requesting user (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*); and

a content delivery control unit which accumulates the encrypted contents created at the encrypted content control unit, selects the corresponding content at the user's content request, and delivers the encrypted content to the terminal unit of the requesting user (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box*).

Kravitz does not explicitly disclose registering medium information or a terminal device unique key information presented with the user's content request. Katznelson discloses a distribution system where a customer (user) requests content from a content provider, and in the request supplies the customer terminal ID (medium ID) and the content provider verifies if the user is authorized to receive the data, and if so, sends a content key encrypted with a unit key that is unique to the customer (Katznelson: column 7-40). Kravitz and Katznelson are analogous arts because both disclose

systems for distributing content to users. It would have been obvious to sent the terminal ID along with the content request, as is done in Katznelson, in the system of Kravitz, so that the retrieval of data from the content provider has to be authorized and the amount of information can be more efficiently limited (Katznelson: column 1, lines 7-20).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Kravtiz discloses:

A user management control unit wherein the user management control unit is used in the content delivery service providing apparatus according to claim 1, and comprises:

user eligibility decision means for determining t the eligibility of a user who presents user information including user personal information, service applicable range, and payment method as an application for a subscription to the content delivery service (column 9, lines 46-51, *wherein the user is entitled to certain subscription packages*),

user information management means for managing the user information about eligible users determined to be eligible by the decision means (column 9, lines 46-51, *wherein the user is entitled to certain subscription packages*),

authentication information issuing means for issuing login authentication information to the user (column 6, lines 39-43, *presence of the CD in the content descriptor table is positive authorization*),

list offering means for selecting deliverable content from the service applicable range of the user information managed by the user information management means and offering the list to the user-side terminal unit logged in on the basis of the authentication information (column 10, lines 33-39, *items displayed on a menu to the user*),

delivery instructing means for receiving the selection of the content presented on the list from the user-side terminal unit and instructing the content delivery control unit to deliver the corresponding content (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box*), and

charging and settlement means for managing charging and settlement information about the user at the time of delivering the content (column 9, lines 43-45, *wherein the user pays for content*).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

The content delivery service providing apparatus according to claim 1, further comprising:

authorization information delivering means for delivering authorization information to startup a content acquiring application to the user-side terminal unit at the time of delivering the content (column 6, lines 39-43, *presence of the CD in the content descriptor table is positive authorization*).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

An encrypted content control unit wherein the encrypted content control unit is used in the content delivery service providing apparatus according to claim 1, and comprises:

encrypted content creating means for encoding the content in specified digital encoding form or converting the content into specified digital encoding form, creating a content key on the basis of the content key creating condition, and encrypting the content using the content key (column 5, lines 55-60, *wherein the content provider encrypts the content and generates content keys*)

encrypted content issuing means for issuing the encrypted content encrypted at the encrypted content creating means to the content delivery control unit (column 5, lines 55-60, *wherein the encrypted content is sent is sent to the user*) and

content key issuing means for issuing the encrypted content key encrypted at the encrypted content creating means to the content key control unit (column 5, line 65 - column 6, line 9, *wherein the content keys are provided to the set top box*).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

An encrypted content key control unit wherein the encrypted content key control unit is used in the content delivery service providing apparatus according to claim 1, and comprises:

a content key accumulating section which accumulates the content keys created at the encrypted content control unit (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*),

an encrypting section which, at the user's content request, reads the content key corresponding to the requested content from the content key accumulating section and, encrypts the content key (column 5, lines 55-60, *wherein the content provider encrypts the content and generates content keys*), and

an encrypted content key issuing section which issues the encrypted content key created at the encrypting section to the requester (column 5, line 65 - column 6, line 9, *wherein the content keys are provided to the set top box*).

Kravitz does not explicitly disclose a medium information storage section which stores the medium information. Katznelson discloses a distribution system where a customer (user) requests content from a content provider, and in the request supplies the customer terminal ID (medium ID) and the content provider verifies if the user is authorized to receive the data, and if so, sends a content key encrypted with a unit key that is unique to the customer (Katznelson: column 7-40). This medium information is stored before it is sent (Katznelson: column 7-40). Kravitz and Katznelson are analogous arts because both disclose systems for distributing content to users. It would have been obvious to send the terminal ID along with the content request, as is done in Katznelson, in the system of Kravitz, so that the retrieval of data from the content provider has to be authorized and the amount of information can be more efficiently

limited (Katznelson: column 1, lines 7-20).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Katznelson discloses:

The encrypted content key control unit according to claim 5, wherein the encrypting section acquires at least one of terminal device unique key information, content identification information, information to identify a content delivery control unit, information to identify a medium linking content acquiring unit, information to identify a region, information to identify a user, and content key individual information which are presented together with the medium information by the user and, on the basis of these pieces of information, encrypts the content key (column 5, lines 55-60, *wherein the content provider encrypts the content and generates content keys*).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

A content delivery control unit wherein the content delivery control unit is used in the content delivery service providing apparatus according to claim 1, and comprises:

an encrypted content accumulating section which accumulates the encrypted contents created at the encrypted content control unit (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*),

an encrypting section which, at the user's content request, reads the corresponding encrypted content from the encrypted content accumulating section and,

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on the basis of the encrypted content key created at the encrypted content key control unit, encrypts the encrypted content (column 5, lines 55-57, *encrypts the content*), and

a delivering section which delivers the encrypted content created at the encrypting section to the requester (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box*).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

The content delivery service providing apparatus according to claim 1, further comprising:

date-and-time synchronizing means for synchronizing date-and-time information with that in the user-side terminal unit (column 8, lines 55-60, *wherein time is kept track of for authorization*).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

The content delivery service providing apparatus according to claim 1, wherein the encrypted content key control unit and the content delivery control unit selectively include an arbitrary content viewing condition and option information in the encrypted content key creation and the encrypted content delivery, respectively (column 9, lines 46-51, *wherein the user can be limited to their subscription package*).

Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Kravitz discloses:

A content delivery service terminal unit wherein the content delivery service terminal unit receives the content delivery service from the content delivery service providing apparatus of claim 1, and comprises:

a user access content selecting unit which logs in to the user management control unit on the basis of the authentication information and makes a content select request on the basis of the delivery content list (column 10, lines 33-39, *wherein a content is selected from a display list*);

receives the encrypted content key and the encrypted content from the content delivery service providing apparatus (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box*), and writes them together into the writable area of the information storage medium in which the medium information has been written, or separately into the writable area of the information storage medium in which the medium information has been written and of another information medium (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box where it is stored*); and

a content presentation control unit which reads an arbitrary encrypted content and the corresponding encrypted content key from the information storage medium,

decrypts the encrypted content keys on the basis of the medium information or the medium information and the terminal device unique key information, and decrypts the encrypted content on the basis of the decrypted content key (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*).

Kravitz does not explicitly disclose the a medium linking content acquiring unit which acquires the medium information and sends the information to the content delivery service providing unit. Kravitz does not explicitly disclose registering medium information or a terminal device unique key information presented with the user's content request. Katznelson discloses a distribution system where a customer (user) requests content from a content provider, and in the request supplies the customer terminal ID (medium ID) and the content provider verifies if the user is authorized to receive the data, and if so, sends a content key encrypted with a unit key that is unique to the customer (Katznelson: column 7-40). Kravitz and Katznelson are analogous arts because both disclose systems for distributing content to users. It would have been obvious to sent the terminal ID along with the content request, as is done in Katznelson, in the system of Kravitz, so that the retrieval of data from the content provider has to be authorized and the amount of information can be more efficiently limited (Katznelson: column 1, lines 7-20).

Claim 11 is rejected as applied above in rejecting claim 10. Furthermore, Kravitz discloses:

The content delivery service terminal unit according to claim 10, wherein the user access content selecting unit includes login means for logging in to the user management control unit on the basis of previously presented authentication information and presenting the information requested, and content select requesting means for acquiring a delivery content select list presented by the user management control unit in the access, presenting the list, and informing the user management control unit of the content select request specified the user (column 10, lines 33-39, *wherein a content is selected from a display list*).

Claim 12 is rejected as applied above in rejecting claim 10. Furthermore, Kravitz discloses:

The content delivery service terminal unit according to claim 10, wherein the medium linking content acquiring unit includes information storage means for receiving the encrypted content key and the encrypted content from the encrypted content key control unit and the content delivery control unit, and writing them together into the writable area of the information storage medium in which the medium information has been written, or separately into the writable area of the information storage medium in which the medium information has been written and of another information medium (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box where it is stored*).

Kravitz does not explicitly disclose means for acquiring medium information at

the content request and notifying the encrypted content control unit of the medium information. Katznelson discloses a distribution system where a customer (user) requests content from a content provider, and in the request supplies the customer terminal ID (medium ID) and the content provider verifies if the user is authorized to receive the data, and if so, sends a content key encrypted with a unit key that is unique to the customer (Katznelson: column 7-40). Kravitz and Katznelson are analogous arts because both disclose systems for distributing content to users. It would have been obvious to sent the terminal ID along with the content request, as is done in Katznelson, in the system of Kravitz, so that the retrieval of data from the content provider has to be authorized and the amount of information can be more efficiently limited (Katznelson: column 1, lines 7-20).

Claim 13 is rejected as applied above in rejecting claim 12. Kravitz does not explicitly disclose wherein the medium linking content acquiring unit further includes startup means for starting up in response to the authorization information delivered from the content deliver service providing apparatus, making mutual authentication with the content delivery service providing apparatus, and giving an instruction to execute the processes of the information notifying means and the information storage means after the confirmation of the authentication. Katznelson discloses a distribution system where a customer (user) requests content from a content provider, and in the request supplies the customer terminal ID (medium ID) and the content provider verifies if the user is authorized to receive the data, and if so, sends a content key encrypted with a unit key

that is unique to the customer (Katznelson: column 7-40). Kravitz and Katznelson are analogous arts because both disclose systems for distributing content to users. It would have been obvious to send the terminal ID along with the content request, as is done in Katznelson, in the system of Kravitz, so that the retrieval of data from the content provider has to be authorized and the amount of information can be more efficiently limited (Katznelson: column 1, lines 7-20).

Claim 14 is rejected as applied above in rejecting claim 10. Furthermore, Kravitz discloses:

The content delivery service terminal unit according to claim 10, further comprising:

date-and-time management means for executing processes on the basis of the date-and-time information supplied from the content delivery service providing apparatus (column 8, lines 55-60, *wherein time is kept track of for authorization*).

Claim 15 is rejected as applied above in rejecting claim 10. Furthermore, Kravitz discloses:

The content delivery service terminal unit according to claim 10, wherein the medium linking content acquiring unit, when receiving a content viewing condition from the content delivery service providing apparatus, writes the viewing condition into the information storage medium in which the medium information has been written or into

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another information storage medium (column 6, lines 39-43, *presence of the CD in the content descriptor table is positive authorization*), and

the content presentation control unit, when decrypting the encrypted content and the encrypted content key, executes processes on the basis of the content viewing condition (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content*).

Claim 16 is rejected as applied above in rejecting claim 12. Furthermore, Kravitz discloses:

The content delivery service terminal unit according to claim 12, wherein the medium linking content acquiring unit, when the encrypted content viewing condition specifies a viewing period, manages the content written into the information storage medium by date-and-time information and makes the content unusable from the information storage medium after the viewing period has expired (column 8, lines 55-62, *wherein it is determined whether a maximum time period has elapsed*).

Claim 17 is rejected as applied above in rejecting claim 10. Furthermore, Kravitz discloses:

The content delivery service terminal unit according to claim 10, wherein the content presentation control unit, when at least one of the encrypted content and the encrypted content key has been written into a different information storage medium from the information storage medium into which the medium information has been written,

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executes the process of reading and decrypting the encrypted content and the encrypted content key only in a state where the information storage medium in which the medium information has been written is set (column 5, lines 55-62, *wherein the content provider generates keys to decrypt content and encrypted content, and sends the encrypted content to the set top box where it is stored*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/
Examiner, Art Unit 2131

/K. A./
03/24/08
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